

**REMARKS**

Claims 1, 3-17, 20 and 21 are pending. By this Amendment, claims 2, 18 and 19 are canceled, and claims 1, 3-5, 8-10, 12, 15, 16 and 20 are amended. No new matter is added. In particular: (i) claim 1 is rewritten to include the features of claim 2, (ii) claims 3-5 are amended to depend from claim 1, (iii) claims 8-10 and 15 are amended to correct minor informalities, and (iv) claims 16 and 20 are rewritten in independent form. In view of the foregoing, reconsideration and allowance are respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); and (b) do not raise any new issue requiring further search and/or consideration (as the amendments rewrite rejected claims in independent form and correct informalities).

Applicants note with appreciation the indication of allowable subject matter in claims 16, 17, 20 and 21. Claims 16 and 20 have been rewritten in independent form.

Claims 1, 2, 4 and 6-15 stand rejected under 35 U.S.C. § 102(b) over JP 2002-164065 (JP '065). This rejection is respectfully traversed.

Applicants respectfully submit that JP '065 fails to disclose or suggest all of the features recited in independent claim 1. JP '065 fails to disclose "diagnosing means for diagnosing said fuel cell stack on the basis of the measured output voltages and their statistics," "said statistics include an average and standard deviation of said measured output voltages."

JP '065 discloses diagnosing the operation state of a fuel cell stack by measuring an output of each fuel cell, and obtaining a distribution of the output voltages of the fuel cells. JP '065 does not diagnose the operation state of the fuel cell stack based on the average output voltage value and the standard deviation value of the measured output voltages of the fuel cell stack.

In view of the foregoing, JP '065 fails to disclose all of the features recited in independent claim 1, as well as the additional features recited in the dependent claims thereof. Withdrawal of the rejection is respectfully requested.

Claims 3, 5, 18 and 19 stand rejected under 35 U.S.C. § 103(a) over JP 2002-164065 (JP '065) in view of JP 2003-178789 (JP '789). This rejection is respectfully traversed.

Claims 3 and 5 depend from independent claim 1 and, thus are allowable for the reasons discussed above. The rejection of claims 18 and 19 is rendered moot by the cancellation of these claims. Withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

  
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